

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Robert M. Emmerich,

File No. 16-cv-795 (ECT/ECW)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Shelby Richardson, *CEO of Minnesota Sex
Offender Program*; Emily Johnson Piper,
Commissioner of DHS; and Lori Swanson,
*Former Attorney General of the State
of Minnesota*,

Respondents.

Magistrate Judge Elizabeth Cowan Wright issued a Report and Recommendation on November 16, 2022. ECF No. 23. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 23] is **ACCEPTED**; and
2. This case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or, alternatively, due to mootness; and
3. Plaintiff's Motion for Leave to Proceed in Forma Pauperis [ECF No. 2] is **DENIED**; and

4. No certificate of appealability be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 14, 2022

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court